

KAEMPFER CROWELL
Robert McCoy, No. 9121
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Facsimile: (702) 796-7181
Email: rmccoy@kcnvlaw.com

STROOCK & STROOCK & LAVAN LLP
Julia B. Strickland (*Pro Hac Vice*)
Stephen J. Newman (*Pro Hac Vice*)
Brian C. Frontino (*Pro Hac Vice*)
2029 Century Park East, Suite 1600
Los Angeles, California 90067
Telephone: (310) 556-5800
Facsimile: (310) 556-5959
Email: jstrickland@stroock.com
Email: snewman@stroock.com
Email: bfrontino@stroock.com

Attorneys for Defendant
Zappos.com, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE ZAPPOS SECURITY BREACH
LITIGATION

MDL: 2357
Case No. 3:12-cv-00325-RCJ-VPC

This document relates to:

ALL ACTIONS

**ORDER
REGARDING EMAIL NOTICE TO
PROPOSED SETTLEMENT CLASS**

WHEREAS, on September 19, 2019, the Court entered its Order preliminarily approving a proposed class action settlement and directing notice to the proposed settlement class; and

WHEREAS, on October 7, 2019, the Court entered an Order directing email notice to the settlement class on October 15 and 16, 2019 (ECF No. 337); and

1 WHEREAS, the settlement administrator has commenced email notice pursuant
2 to the Court's October 7 Order; and

3 WHEREAS, the settlement administrator now advises and recommends that, to
4 prevent class notice from being blocked by internet service providers or corporate anti-spam
5 filters, a reduced size of email distribution groups be employed, and that the distribution be
6 spread over a longer timeframe; and

7 WHEREAS, the settlement administrator believes that email notice distribution
8 probably can be completed by Saturday, October 19, 2019, but that it may be necessary for some
9 notices to be distributed on Sunday, October 20, 2019, and Monday, October 21, 2019; and

10 WHEREAS, proposed settlement class members receiving their notices on
11 October 21, 2019, will still have 39 days to object or opt out of the settlement before the
12 November 29, 2019 deadline; and

13 WHEREAS, appellate case law confirms that notice of 30 days or more complies
14 with Federal Rule of Civil Procedure 23 and due process. *See e.g., In re Transpacific Passenger*
15 *Air Transportation Antitrust Litigation*, 701 Fed. App'x 554, 555 (9th Cir. 2017) (settlement
16 provided sufficient notice to class members under Federal Rule of Civil Procedure 23 where
17 class members were notified of the opportunity to opt out or object to the settlement no later than
18 35 days before the final fairness hearing); *Torrise v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1375
19 (9th Cir. 1993) (holding that timing of notice satisfied due process and Federal Rule of Civil
20 Procedure 23 where notice was mailed 31 days before the deadline for written objections and 45
21 days before final approval hearing).

22 The parties stipulate and agree as follows:

23 1. Email notice to the proposed settlement class shall be completed by
24 October 21, 2019; and

2. The settlement administrator shall organize the class notices into distribution groups as may be necessary to ensure proper delivery.

O'MARA LAW FIRM, P.C.

KAEMPFER CROWELL

By /s/ David C. O'Mara
David C. O'Mara, No. 8599
311 East Liberty Street
Reno, Nevada 89501

By /s/ Robert McCoy
Robert McCoy, No. 9121
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135

BARNOW AND ASSOCIATES, P.C.
Ben Barnow (*pro hac vice*)
One North LaSalle Street, Suite 4600
Chicago, IL 60602

STROOK & STROOK & LAVAN LLP
Julia B. Strickland (*Pro Hac Vice*)
Stephen J. Newman (*Pro Hac Vice*)
Brian C. Frontino (*Pro Hac Vice*)
2029 Century Park East, Suite 1600
Los Angeles, California 90067

THE COFFMAN LAW FIRM
Richard L. Coffman (*pro hac vice*)
First City Building
505 Orleans Street, Fifth Floor
Beaumont, TX 77701

Attorneys for Defendant Zappos.com, Inc.

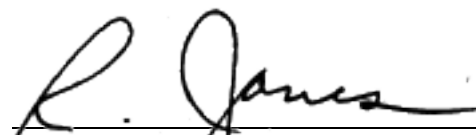
FINKELSTEIN, BLANKINSHIP,
FREI-PEARSON & GARBER, LLP
Jeremiah Frei-Pearson (*pro hac vice*)
445 Hamilton Avenue, Suite 605
White Plains, New York 10601

GLANCY PRONGAY & MURRAY LLP
Marc L. Godino (*pro hac vice*)
1925 Century Park East, Suite 2100
Los Angeles, California 90067

Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.



ROBERT C. JONES
United States District Judge

Dated: November 18, 2019